DOCUMENT RESUME

ED 410 352 UD 031 845

AUTHOR	Cutrona, Cheryl; And Others
TITLE	Peer Mediator Training Manual for Elementary School Students.
INSTITUTION	Good Shepherd Neighborhood House, Philadelphia, PA.
PUB DATE	95
NOTE	59p.
AVAILABLE FROM	Good Shepherd Mediation Program, 5356 Chew Avenue, Philadelphia, PA 19138 ($20 donation).
PUB TYPE	Guides - Classroom - Learner (051)
EDRS PRICE	MF01/PC03 Plus Postage.
DESCRIPTORS	Communication Skills; *Conflict Resolution; Elementary Education; Elementary School Curriculum; *Elementary School Students; Peer Relationship; Prevention; Training; Urban Areas; *Urban Youth; *Violence
IDENTIFIERS	*Peer Mediation; Pennsylvania (Philadelphia)

ABSTRACT

This elementary school training manual is based on the School Mediation Program developed originally by Good Shepherd Neighborhood House to train students in grades 6 through 12 in conflict resolution and violence prevention through peer mediation. Extending the program to the younger grades gives an earlier opportunity to use peer mediation to encourage students to take responsibility for their conflicts. When combined with conflict resolution and communication skills training in school, peer mediation programs result in an improved school environment in which troublemakers can become peacemakers. The peer mediator is trained to listen to disputants without taking sides and to help disputants arrive at a resolution themselves. The mediator then puts the agreement into writing and the disputants indicate their agreement by signing. The training curriculum contains the following chapters: (1) "What Is Conflict?"; (2) "What Is Mediation"; (3) "Setting the Stage"; (4) "Telling Stories and Gathering Information"; (5) "Options and Collaboration"; (6) "Put the Agreement into Writing"; (7) "Roleplays"; and (8) "Discussion Questions." (SLD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

PEER MEDIATOR TRAINING MANUAL FOR ELEMENTARY SCHOOL STUDENTS

ED 410 352

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

X This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

Prepared by
Good Shepherd Mediation Program
Staff and Volunteers

PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL IN OTHER THAN PAPER COPY HAS BEEN GRANTED BY

Cheryl Cuirona
Good Shepherd

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

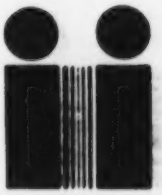
GOOD SHEPHERD MEDIATION PROGRAM
5356 Chew Avenue
Philadelphia,PA 19138
(215) 843-5413
(215) 843-2080 FAX
shepherd@libertynet.org E-mail

$20.00 donation

BEST COPY AVAILABLE

All rights reserved. No part of this publication may be reproduced or transmitted in any form by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system without written permission from Good Shepherd Mediation Program.

Copyright ©1995 Good Shepherd Mediation Program



Published in 1995 by Good Shepherd Mediation Program
5356 Chew Avenue
Philadelphia, PA 19138
(215) 843-5413
(215) 843-2080 FAX
shepherd@libertynet.org E-mail

© 1995 Good Shepherd Mediation Program

PEER MEDIATOR TRAINING MANUAL FOR ELEMENTARY SCHOOL STUDENTS

Prepared by
Cheryl Cutrona, Executive Director
DeVonne Coleman-White, School Mediation Project Manager
Mary Beth Flynn, Mediation Trainer
Anna Beale, Mediation Trainer
Bob Napper, Mediation Trainer
Troy Martin, VISTA Volunteer

Good Shepherd Mediation Program
Philadelphia Peer Mediation Project
1995

© 1995 Good Shepherd Mediation Program

PREFACE

Kim and DaShene have been classmates since first grade. They are now eleven and have many classes together. They also have many of the same friends and usually talk on the phone to each other at night and play together on the weekends. Recently, Kim and DaShene have been fighting in the lunchroom and on the school bus. Lately, their friends have been taking sides. The main thing they argue about is a new student with whom they both want to be friends. They also argue about who is smarter and who has the nicest house. Kim accused DaShene of stealing a new sweater from the locker that they share.

DaShene heard about the Peer Mediation Program from a friend, who is a mediator. DaShene told Kim about Peer Mediation and they both decided to give it a try.

With the help of the Peer Mediators, Kim really hears DaShene for the first time. DaShene expresses fear about losing an old friend over their disagreements. DaShene realizes that they are both interested in being friends with the new student and in staying friends with each other. Both students agree not to involve their friends. When they argue they will talk it out instead. They also agree to look in the "Lost and Found" and, if the sweater is not there, go to the school office to report the missing sweater.

© 1995 Good Shepherd Mediation Program

FOREWORD

Peer Mediation

Peer mediation programs are a part of conflict resolution and violence prevention efforts in schools throughout the United States and around the world. These programs offer students and teachers skills and strategies for resolving conflicts peacefully and productively.

Peer mediation programs encourage and enable students to take responsibility for their conflicts. A school peer mediation program also gives students a forum to resolve disputes among themselves without staff intervention. Through the mediation process, students often identify underlying issues they might not otherwise recognize as the root of the conflict.

The positive results of active peer mediation programs include less physical fighting, truancy and suspensions in the school. When combined with conflict resolution and communication skills training throughout the school, peer mediation programs result in improved school climate. School *troublemakers* can become school *peacemakers.*

Good Shepherd Mediation Program

The Good Shepherd Mediation Program is Philadelphia's oldest neighborhood justice center. The Mediation Program has been training peer mediators in Philadelphia since 1987. To date, the Mediation Program staff has provided peer mediation training and technical assistance to more than 50 Philadelphia schools.

This elementary school training manual is based on the Good Shepherd Mediation Program's School Mediation Manual which was originally intended to train students in grades 6-12. The Good Shepherd Peer Mediation training manuals, training programs and mediation trainers all meet the guidelines set forth by the National Association for Mediation in Education. All of our Peer Mediation Trainers are trained mediators who have apprenticed with experienced mediation trainers.

Acknowledgments

The Mediation Program would like to thank Americorps*VISTA, William Penn Foundation, Connelly Foundation, Thomas Skelton Harrison Foundation and the Philadelphia Foundation. Their support has helped to make the Philadelphia Peer Mediation Project possible.

Dr. Tricia Jones, Temple University School of Communication Sciences is formally evaluating the efficacy of peer mediation programs in Denver, Laredo, San Francisco and Philadelphia. The Mediation Program would like to thank her for her expertise and cooperation in designing the evaluation instruments being used in conjunction with Good Shepherd's peer mediation training and formally evaluating our peer mediation project.

The Mediation Program would also like to thank the Principals, Peer Mediation Site Coordinators and Site Leadership Teams at the schools that have implemented peer mediation programs for their foresightedness and cooperation in helping to make schools a peaceful place for children to learn.

Cheryl Cutrona
Executive Director
Good Shepherd Mediation Program

© 1995 Good Shepherd Mediation Program

TABLE OF CONTENTS

Chapter One: What is Conflict?
What is Conflict? 2
Conflict Management Styles 6

Chapter Two: What is Mediation?
An Introduction to the Mediation Process 10
STOP! A Four Step Mediation Process 11
How does Mediation Work? 12

Chapter Three: Setting the Stage
Body Language 14
Mediator Neutrality 15
Atmosphere 17
Preparing for Co-Mediation 17
Confidentiality 18
School Mediation Intake and Agreement Form 19
Opening Statement Checklist 20

Chapter Four: Telling Stories and Gathering Information
Telling Stories 24
Listening 24
Gathering Information 30

Chapter Five: Options and Collaboration
Brainstorming 34
Evaluating Options 36
Collaboration 36

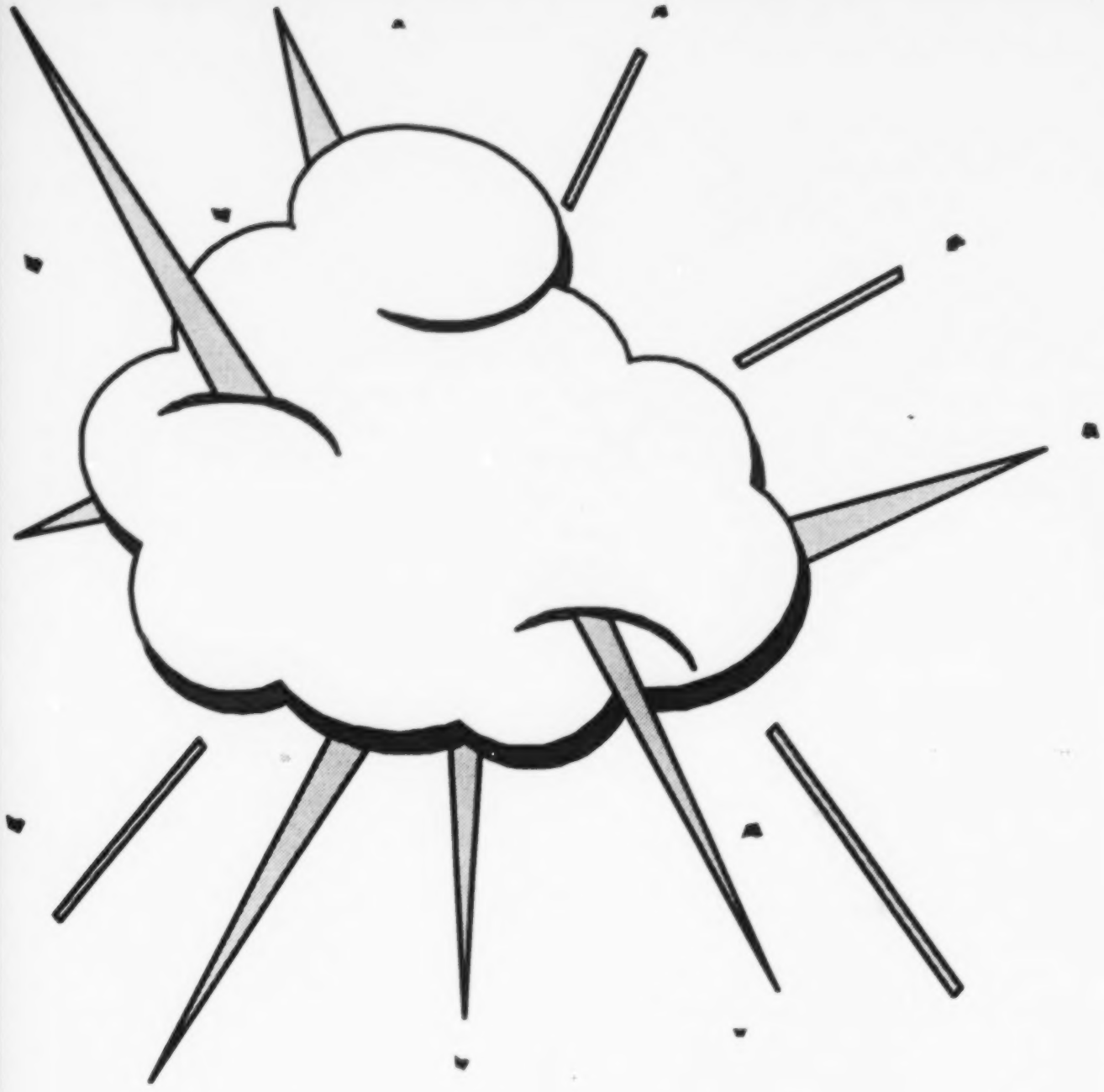
Chapter Six: Put the Agreement into Writing
Writing the Agreement 40
Mediator's Closing Statement 41

Chapter Seven: Roleplays
Roleplay 1: The Broken Chain 46
Roleplay 2: The Geek 47
Roleplay 3: The Locker 48
Roleplay 4: He say, She say 49

Chapter Eight: Discussion Questions
Issues appropriate for Mediation 51
Scheduling Mediation 52
Peer Mediators are Role Models 53

Mediation Word Search

© 1995 Good Shepherd Mediation Program



CHAPTER ONE
WHAT IS CONFLICT?

WHAT IS CONFLICT?

Conflict is a disagreement between two or more people. Conflicts can end up three different ways:

- **LOSE/LOSE** – nobody is happy with the outcome.
- **WIN/LOSE** – only one side is happy with the outcome.
- **WIN/WIN** – everybody feels good about the outcome.

Conflict is an opportunity for two or more people involved in a disagreement to:

- communicate about the situation
- share how they see the situation differently
- understand each other better
- see if they can agree upon how they will settle their differences in a way that makes each person involved feel better

Conflict is normal. The conflict outcome is affected by the way the *disputants* resolve the situation.

EXERCISE #1
CONFLICT

Draw a picture of a conflict in the space provided below.

© 1995 Good Shepherd Mediation Program

EXERCISE #2
CONFLICT WORD ASSOCIATION

Brainstorm words that you associate with conflict.

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

16.

© 1995 Good Shepherd Mediation Program

EXERCISE #3
CONFLICT AT YOUR SCHOOL

In small groups, discuss the following questions. Select one group member to be the recorder. The recorder's job is to write down the group's answers and report them to the training group at the end of this exercise.

1. What do students disagree about at school?

2. How do students at your school usually resolve their conflicts?

3. List the conflict outcomes at your school that are lose/lose.

4. List the conflict outcomes at your school that are win/lose.

5. List the conflict outcomes at your school that are win/win.

© 1995 Good Shepherd Mediation Program

EXERCISE #4
HOW DO YOU USUALLY HANDLE CONFLICT?

Pretend you are the person in each of these conflicts. Guess what you might do in the same situations. Write out your answer in the space provided.

1. At recess, another student is playing with a game that you really want to use. You ask nicely if you can use the game. The other student says, "No." You still want to play with it. What might you do?

2. You are reading a book. A classmate wants you to join their game. You want to keep reading. What might you do?

3. You are excused to get a drink of water. When you return to your desk, you realize your calculator is not there. You see the person across from you using your calculator. You ask for it back. The other person says, "It's mine now." What might you do?

4. A classmate calls you "stupid" Your feelings are hurt. What might you do?

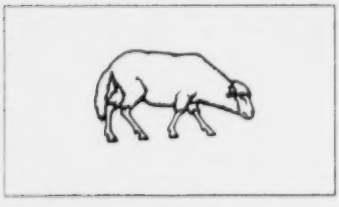
© 1995 Good Shepherd Mediation Program

CONFLICT MANAGEMENT STYLES

People handle conflict differently depending on how they feel, who the conflict is with and the importance of the situation. These are some conflict management styles you might recognize:

- **AVOIDANCE** – Avoiders are too chicken to confront conflict. They pretend the disagreement didn't happen; ignore the disagreement; or deny or hide their true feelings.

- **PERSUASION** – Like bulldogs, persuaders use power, authority or physical force to make the other person give in (e.g., bullying, threatening or fighting).



- **ACCOMMODATION** – Like sheep who follow the leader, accommodating people give up or give in to the other person without voicing disagreement. They just pretend to agree with whatever the other person says even when they feel differently.

- **COMPROMISE** – People who compromise are foxy, they give up something to get something they want more.

- **COMMUNICATION AND COLLABORATION** – Peacemakers listen to the other person's point of view; respect the other person's feelings; takes responsiblity for their actions; agree to talk things over; and work together to find a solution that everybody feels good about.

Some ways to collaborate include:

- **APOLOGIZE** – Say "I'm sorry."
- **TAKING A CHANCE** – Flip a coin or use "scissors, rock and paper" to decide who goes first.
- **SHARING AND TAKING TURNS** – Decide who goes first by taking a chance, then use a timer to make sure each person's turn is equal.
- **BE CREATIVE** – Look for a totally new way to resolve the conflict so that everybody is a winner!
- **MEDIATE** – Ask a trained peer mediator to help you resolve the conflict peacefully.

© 1995 Good Shepherd Mediation Program

EXERCISE #5
THE ORANGE STORY

Two people are having a disagreement over an orange. It is the last orange in the house. Neither person has enough money to go out and buy another orange.

1. What could they do to settle the disagreement?

While they are arguing about who should have the orange, another person walks into the room and asks, "Why are you arguing?" Both of the disputants indicate that they want the orange. The third person asks, "Why is the orange important to you?"

The first person says, "I have a cold and I need the Vitamin C in the juice to help make me feel better."

The second person says, "I am baking a cake. The ingredients listed in the recipe include the rind of one orange.

2. Now that you have more information, how do you think they will resolve the conflict?

3. What did the third person do to help the disputants find a solution?

4. What do you think happened once the disputants communicated about why the orange was important to them?

5. What would the outcome be if both disputants in the orange story decided to **avoid** the disagreement?

   ☐ WIN/WIN

   ☐ WIN/LOSE

   ☐ LOSE/LOSE

© 1995 Good Shepherd Mediation Program

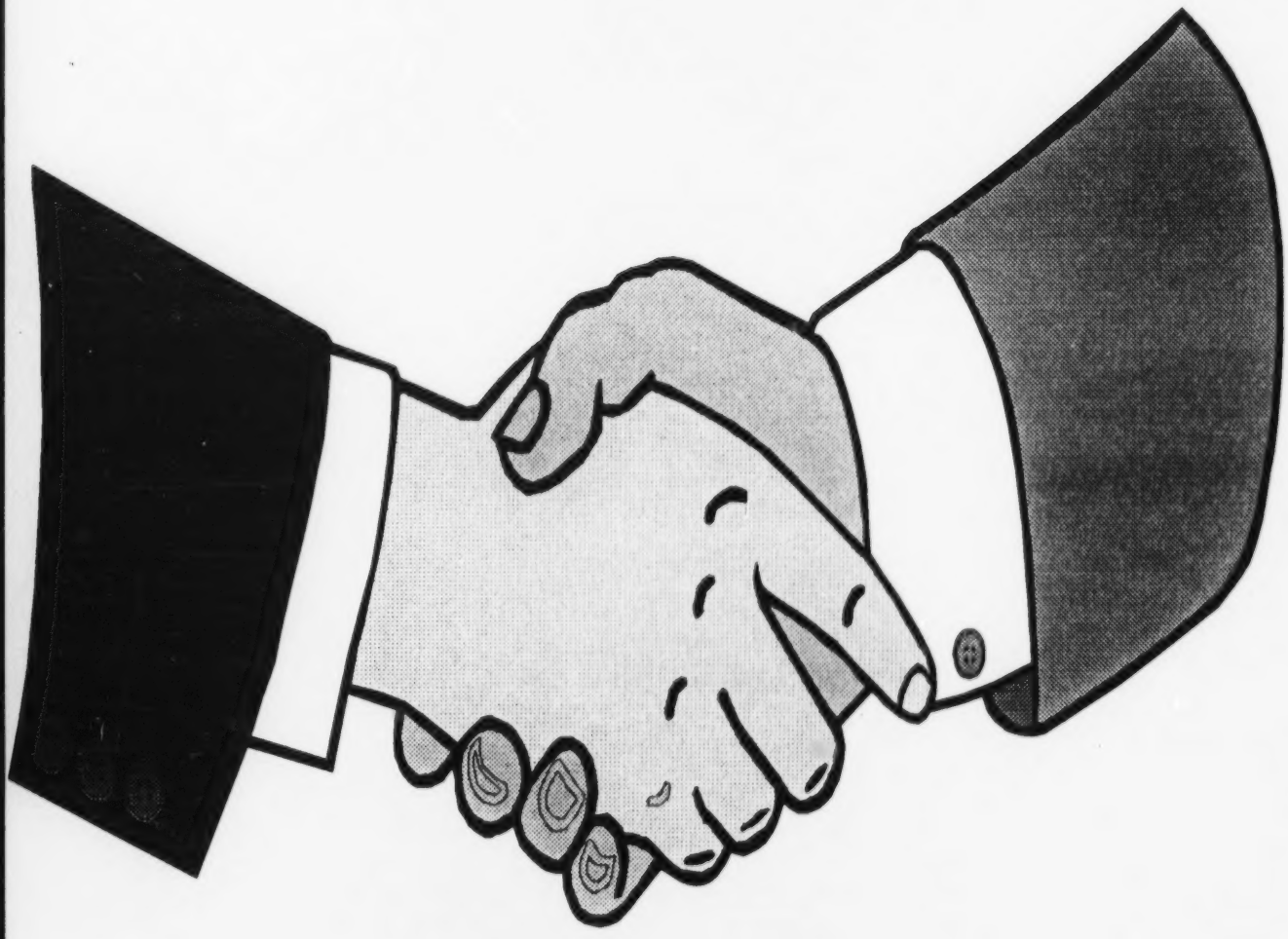
6. What would the outcome be if one of the disputants decided to be **accommodating**?

- ☐ WIN/WIN
- ☐ WIN/LOSE
- ☐ LOSE/LOSE

7. What would happen if the disputants in the orange story decided to **compromise**?

- ☐ WIN/WIN
- ☐ WIN/LOSE
- ☐ LOSE/LOSE

© 1995 Good Shepherd Mediation Program



CHAPTER TWO
WHAT IS MEDIATION?

AN INTRODUCTION TO THE MEDIATION PROCESS

MEDIATION is a process to help people to talk about their conflict with a person who is not involved. This person is called a mediator.

A MEDIATOR is a person who is trained to listen without taking sides. The mediator helps the disputants listen, too. The mediator asks questions. The mediator helps the disputants think about how they will handle their situation in the future. When the disputants agree, the mediator writes down their decisions and promises on an **AGREEMENT** form. Everyone signs the agreement form. Everyone gets a copy.

MEDIATION is not like a courtroom where there is a winner and a loser. The mediator is not a judge or jury who decides who is right and who is wrong. In mediation, the disputants make their own decisions so that everyone wins!

MEDIATION is VOLUNTARY. The disputants and the mediators choose to participate. The mediator does not force the disputants to attend.

DISPUTANTS are people involved in a dispute. Disputants who go to mediation are sometimes called **PARTIES.**

CO-MEDIATION is when two mediators work together as a team.

How Does A Conflict Reach Mediation?

Student conflicts are referred to mediation in several ways:

- Disputants can ask for mediation.
- A friend can suggest mediation.
- An adult can recommend mediation.

Who Are The Mediators?

In your school, students are the mediators. These are students trained to:

- Listen without making judgments.
- Ask questions without blaming.
- Brainstorm without giving advice.
- Help disputants find solutions without telling them what to do.
- Respect privacy without telling others what they heard.

EXERCISE #6
MEDIATOR QUALITIES

Imagine that you go to mediation to resolve a conflict. The mediators are really helpful. You and the other person settle your dispute. Brainstorm things that you think a good mediator would do to help your resolve the conflict?

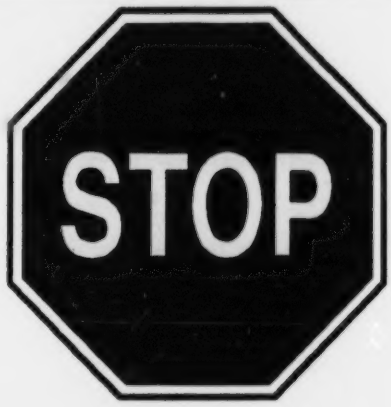
1.

2.

3.

4.

© 1995 Good Shepherd Mediation Program



A FOUR-STEP MEDIATION PROCESS

1. Set the Stage

2. Tell Stories and Gather Information

3. Options - Brainstorm and Select

4. Put Agreement in Writing

© 1995 Good Shepherd Mediation Program

HOW DOES MEDIATION WORK?

1. Set the Stage

- The Mediators introduce themselves.
- The Mediators set ground rules and ask the Disputants if they can agree to keep the ground rules.

2. Tell Stories and Gather Information

- Mediators pick who goes first.
- Disputant #1 has uninterrupted time to talk about the dispute and why it is important while Disputant #2 and the Mediators listen.
- One Mediator paraphrases Disputant #1.
- Disputant #2 has uninterrupted time to talk about the dispute and why it is important while Disputant #1 and the Mediators listen.
- One Mediator paraphrases Disputant #2.
- Mediator asks Disputant #1 for additional comments.
- Mediator asks Disputant #2 for additional comments.
- Mediators ask questions to clarify issues.
- Mediators list issues to be resolved and ask Disputants to confirm the list.

3. Options are Generated and Selected

- Disputants brainstorm at least 6 options without judging or blaming.
- Mediators write down the list of options.
- Everyone reviews the list of options and predicts their outcomes.
- Mediators ask "What if..." questions.
- Disputants collaborate to select solutions that work for them.

4. Put Agreement in Writing

- Mediator writes the agreement including: Who, What, Where, When and What if?
- Everybody signs the agreement.
- Everybody gets a copy of the agreement.
- The Mediators thank the Disputants for choosing mediation and encourage them to keep the promises they listed in the agreement.

© 1995 Good Shepherd Mediation Program

CHAPTER THREE
SETTING THE STAGE

BODY LANGUAGE

BODY LANGUAGE is a way of communicating. People express their feelings and attitudes with tone of voice, facial expressions, gestures and posture. Mediators should be aware of a disputant's body language. For example, you see a disputant rolling her eyes, sitting sideways in her chair with her arms folded and her legs crossed. How do you think the disputant is feeling? What is her attitude?

What about a disputant who maintains eye contact with you and the other disputant, leans forward in her chair and nods her head?

Mixed Messages

Sometimes people's body language and words don't match. For example, a disputant could say, "I'm not upset" and at the same time be perspiring and nervously tapping a pencil. Do you think people's words or actions tell you more about how they feel?

EXERCISE #7
BODY LANGUAGE CUES

Predict how disputants might demonstrate these emotions through their body language.

HOW THEY FEEL	HOW THEY ACT
1. ANGRY	
2. HURT	
3. CONFUSED	
4. AFRAID	
5. SAD	
6. EMBARRASSED	
7. NERVOUS	
8. BORED	
9. EXCITED	
10. HAPPY	

© 1995 Good Shepherd Mediation Program

MEDIATOR NEUTRALITY

Mediators' body language also demonstrates how they feel and their attitudes. An important skill for mediators to develop is remaining **NEUTRAL**. Other words sometimes used to express neutrality is **OBJECTIVE** and **IMPARTIAL**. Remaining neutral means mediators must not take sides with one disputant. The disputants must trust the mediators and their ability to help them. They must also believe that the mediators are not judging them or blaming them.

Mediators demonstrate their neutrality by using words and phrases that are nonjudgmental and do not place blame. Mediators also show they are neutral by their body language.

For example, how would a disputant feel if they saw the mediator giggling and whispering with the other disputant?

Mediators should also try to look professional and confident in their role as a peer mediator. For example, how do you think a disputant would feel if the mediator sat bent over the table, constantly shuffling papers and not looking at either disputant?

EXERCISE #8
NOT TAKING SIDES

Brainstorm things disputants might do that would make you want to take their side.

1.

2.

3.

4.

5.

6.

7.

8.

9.

© 1995 Good Shepherd Mediation Program

EXERCISE #9
MEDIATOR BODY LANGUAGE

Brainstorm body language mediators can use to demonstrate confidence and neutrality.

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

EXERCISE #10
CAN I MEDIATE THIS CONFLICT?

The conflict you are asked to mediate involves a missing Walkman Cassette Player. Last month, your walkman was stolen from your locker.

Discuss with the person sitting next to you whether or not you should mediate this case.

© 1995 Good Shepherd Mediation Program

ATMOSPHERE

The **ATMOSPHERE** of mediation is the location and environment in which mediation takes place. It is important that mediation take place in a quiet, private area. The mediation supervisor will always be nearby in case you have a question.

Finding Space

It is preferable for schools to select a Mediation Room that students recognize as a place where peacemaking occurs. Mediators can decorate the room to make it comfortable and peaceful. What does a peaceful place look like to you? What would you like to put in your Mediation Room?

Why should mediation take place in a private space? What kinds of distractions might interfere with mediation?

Some mediations might need to be held on the playground during recess. Is there a place on the playground where mediators and disputants can talk privately and write the agreement? If not, what other alternatives are available?

Supplies

The mediators and the supervisor make sure that the necessary supplies are ready before the disputants arrive.

Supplies include:

- Intake Form
- Pens/Pencils
- Agreement Forms (with carbon paper, if necessary)
- Evaluation Forms

PREPARING FOR CO-MEDIATION

Two mediators usually work together. Because they share the responsibilities equally, they are called "Co-mediators." In some cases, a new mediator may be assigned to mediate with an experienced mediator. The experienced mediator may be asked to be a "lead" mediator and may help the new mediator.

When two students co-mediate, they should spend a few minutes together to plan how they will share responsibility. For example, one mediator might make the opening statement, while the other mediator might write the agreement.

Co-Mediation Tasks

1. Meet before the session to review the Intake Form, and determine what duties each mediator will perform.
2. Decide on a signal you can give each other in case either of you wants to take a break.
3. Meet after the session to debrief (talk about the case.)

Advantages of Co-Mediation

- It can be fun to work with someone else and see another mediator's style.
- If you get stuck or make a mistake, your co-mediator can jump in to help you.
- Planning together can be more productive than working alone. (Two heads are better than one!)
- Working together and modeling good communication skills sets a good example for the disputants.

Co-Mediation Cautions

- Don't interrupt each other; model courtesy and cooperation.

© 1995 Good Shepherd Mediation Program

- If your co-mediator needs help, be polite; don't make fun of each other.
- Don't whisper to one another while the disputants are present.

CONFIDENTIALITY

Mediation is **CONFIDENTIAL.** Mediators learn to respect the privacy of the disputants and promise not to tell anyone what they heard during mediation. Why is protecting the disputants' privacy important?

The mediators must not talk about their mediations with anyone expect their co-mediator and the mediation supervisor who monitors the mediation session.

The disputants DO NOT have to keep the contents of the mediation session a secret. They can talk about what happened to whomever they choose. If the disputants want to keep the mediaton a secret, that promise can be part of the written agreement.

All mediation notes are destroyed after the mediation session. The only forms that are kept are the intake form and the agreement form. The mediation files are filed in a locked cabinet and the mediation supervisors are the only ones with a key.

© 1995 Good Shepherd Mediation Program

SCHOOL MEDIATION INTAKE/AGREEMENT FORM

Disputant #1: _____

Disputant #2: _____

Mediation Date: _____ Mediation Time: _____ Location: _____

ISSUES

1. _____
2. _____
3. _____

OPTIONS WE BRAINSTORMED

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

AGREEMENT

_____

_____

_____

_____

_____

_____

_____

Signatures

Disputant #1: _____ Disputant #2: _____

Mediator #1: _____ Mediator #2: _____

THANK YOU FOR CHOOSING MEDIATION!

© 1995 Good Shepherd Mediation Program

OPENING STATEMENT CHECKLIST

The mediator's Opening Statement describes the mediation process to the disputants. It establishes some ground rules for the session and sets a positive atmosphere. The Opening Statement includes the following points:

☐ **MEDIATORS INTRODUCE THEMSELVES**
Hello. My name is _____. I am a Volunteer Peer Mediator.

☐ **DESCRIBE THE MEDIATION PROCESS**
This is peer mediation. Mediation is a way for people to talk about their conflict with a person who is not involved in the dispute. This person is called a mediator. ____ and I have been trained as mediators and we will help you if you want to try mediation. This is how peer mediation works. Each of you will have time to tell your conflict story. Then the mediators will help you define the issues about that conflict that you would like to try to resolve in mediation. We will brainstorm options and discuss how those options might work. If you reach agreements about how to resolve the issues, the mediators will write them down on an Agreement Form. Everybody will sign the Agreement Form and get a copy.

☐ **DESCRIBE THE MEDIATOR'S ROLE**
Mediators are trained to help you listen to each other, define the issues and look for solutions. We will not take sides. We will not give you advice or tell you what to do. We will respect your privacy and we will not tell others what you discussed in mediation.

☐ **ASK THE DISPUTANTS IF THEY WANT TO MEDIATE**
Now that you know what mediation is, would you like to continue? [If they agree to continue, go to the next step. If they don't want to mediate, ask them what they would like to do instead.]

☐ **READ THE GROUND RULES**
If you are willing to try mediation, you must follow these ground rules:

- I AGREE TO WORK HARD TO SOLVE THE PROBLEM.
- I WILL NOT NAME-CALL OR PUT DOWN THE OTHER PERSON.
- I WILL NOT INTERRUPT WHILE THE OTHER PERSON IS TALKING.
- I WILL TRY TO BE HONEST.
- I WILL NOT FIGHT DURING PEER MEDIATION.

☐ **ASK THE DISPUTANTS IF THEY AGREE TO FOLLOW THE GROUND RULES**
Can both of you agree to follow these ground rules?

☐ **ASK IF THEY HAVE ANY QUESTIONS**
Do you have any questions before we begin?

☐ **THANK YOU FOR CHOOSING MEDIATION!**

27

© 1995 Good Shepherd Mediation Program

EXERCISE #11
WRITE YOUR OWN OPENING STATEMENT

Using your own words, write out an opening statement. Include all the important points.

© 1995 Good Shepherd Mediation Program

EXERCISE #12
PRACTICE READING YOUR OPENING STATEMENT

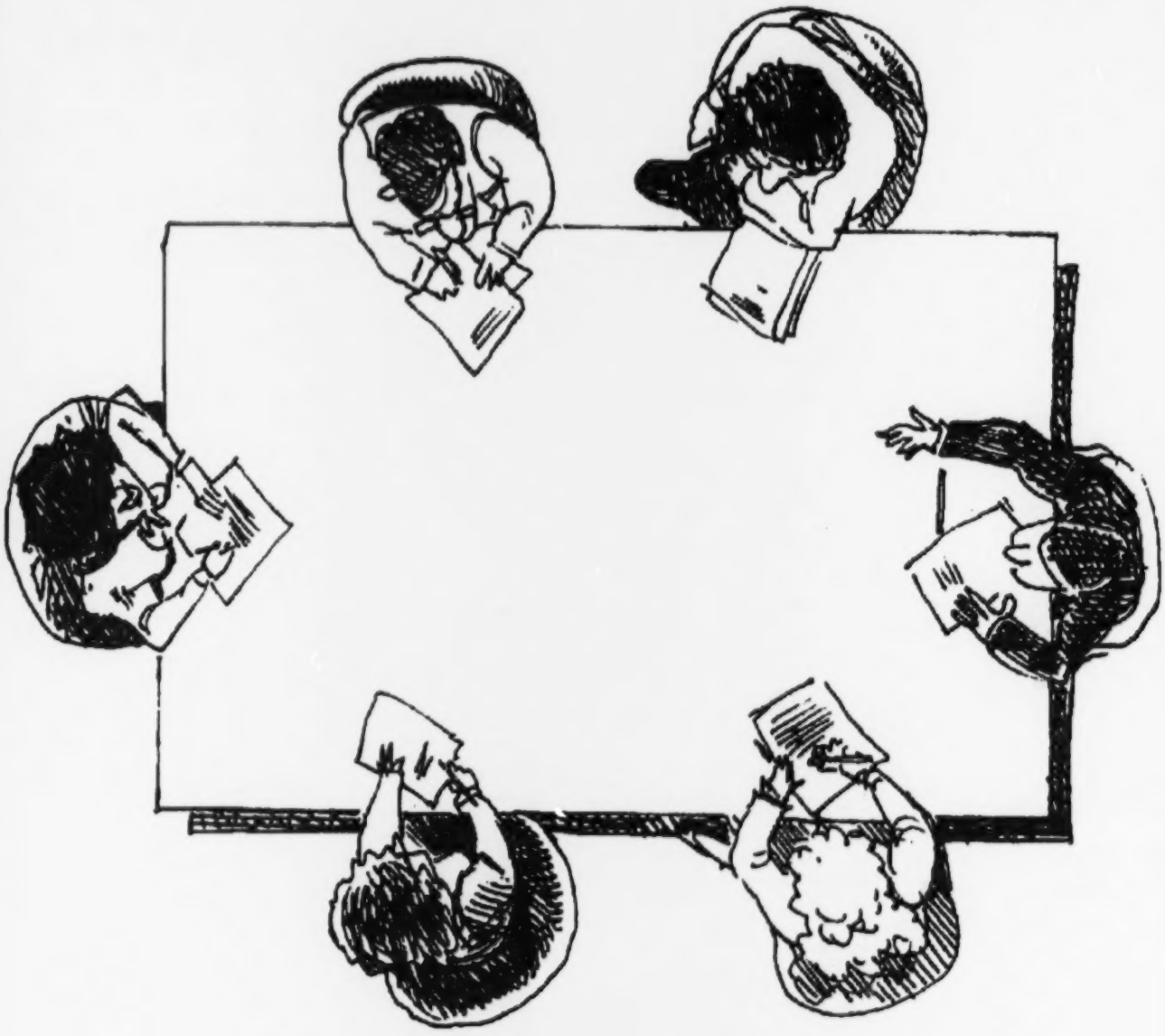
Practice reading your Opening Statement with someone else who is finished writing.

Practice Tips

- Speak slowly and in a clear voice.
- Make eye contact with each person.
- Notice your body posture and facial expressions and those of the parties.

Co-Mediators: When working with a partner in mediation, follow along with the checklist as your partner is giving the opening statement and fill in any gaps. Remember to follow your own ground rules and do not interrupt.

© 1995 Good Shepherd Mediation Program



CHAPTER FOUR
TELLING STORIES AND GATHERING INFORMATION

TELLING STORIES

Who goes First?

After the mediator's Opening Statement, the mediators decide which disputant will tell his/her story first. The mediator must decide who goes first in a way that seems fair to all parties.

There are many ways to decide who goes first. For example, the mediators could:

- Ask the disputant who first requested mediation (the Initiating party) to begin.
- Flip a coin.
- Begin with the disputant whose birthday is closest.
- Select the person whose last name is first alphabetically.

Uninterrupted Time

Each disputant will have time to speak without being interrupted. During the **UNINTERRUPTED TIME** the disputant are asked to share their understanding of the situation. During the Opening Statement, the mediators ask the disputants not to interrupt one another. Each disputant speaks in turn with everyone else listening. It is important that the mediators also follow this ground rule. If someone interrupts, the mediator must remind the parties about the "no interrupting" ground rule.

LISTENING

While each disputant is speaking, the mediators should listen carefully. Developing good listening skills takes practice. One way to develop active listening skills is to avoid things that get in the way of hearing what is being said.

Blocks to Listening

"Blocks to Listening" are behaviors that might keep you from hearing what people are saying to you.

- **Interrupting:** Just as the other party is instructed not to interrupt, neither should the mediators. Avoid the temptation to interrupt, give advice or talk about your own feelings or experiences.
- **Rehearsing:** The pressure of knowing that you will be paraphrasing when the speaker finishes may interfere with your listening. Avoid preparing what you are going to say when the speaker finishes. Concentrate on what the disputant is saying.
- **Second Guessing:** Sometimes after mediating several situations involving rumors, you might think you've heard the same story over and over. Or a disputant may tell you about something with which you are already familiar. Avoid jumping in before the speaker has finished because you think you've figured out what the disputant is going to say.
- **Day Dreaming:** Are you day dreaming right now? Even if the disputant is boring or long-winded, try not to let your mind wander.
- **Filtering:** While the disputant is speaking, try not to pick up only certain information. Even though some information may not seem important to you, it may surface later as something that the disputant really cares about.
- **Mind reading:** Unless you bring a crystal ball, leave the mind reading to fortune tellers. Don't assume; find out. If you are confused about something the person says, the other party could be, too. When the person is finished speaking, ask

© 1995 Good Shepherd Mediation Program

questions to be sure you understand.

- **Judging:** Judging the talker (e.g., stupid, geek, brain, bully) can interfere with the disputant's perception of your neutrality. Avoid the urge to label the disputant.

Active Listening Tips

Mediators should learn the following skills to be a good listener:

- **Acknowledge:** If a disputant is having trouble talking about the situation, the mediator can encourage the disputant to say more by saying things like "Go on." or "And then?" or "Oh." This will let the disputant know you are listening.
- **Notice repetition:** When people keep repeating things, it could mean that they are stuck or that the information being restated is very important to them.
- **Body Language:** Listen with your whole body. Show that you are listening. Use your eyes for eye contact. Use your face to give expressions. Use your head to nod and acknowledge that you are paying attention. And use the rest of your body in the way you sit.
- **Touching:** Mediators should not touch disputants except to shake hands at the end of the mediation. Why is touching not a good idea? Because (1) the disputant may not appreciate it; and (2) the other disputant may perceive the action as taking sides. What other body language could be misinterpreted by the disputants?

Summarizing

After each disputant finishes making a statement, the mediators summarize what was said. **SUMMARIZING** means to restate the facts and reflect the feelings expressed by the disputants. This is also called **PARAPHRASING.**

Mediators summarize for two main reasons:

- To focus on the important issues; and
- To show the disputants that you are listening for both facts and feelings.

Here are some tips to help you develop good summarizing skills.

- Use your own words.
- Don't be too wordy; highlight the main points without repeating every word.
- Don't evaluate.
- Don't give advice.
- Don't talk about your personal experiences.
- Don't be judgmental.
- Don't take sides.
- Don't blame.

Reframing

Another technique mediators use is **REFRAMING** which means restating a negative comment in a more positive or neutral way, and without blaming.

© 1995 Good Shepherd Mediation Program

EXERCISE #13
REFRAMING

Read these statements and summarize them using neutral language.

1. Sam is a slob and, unfortunately, we're locker partners. He leaves lunch bags with rotting leftovers, candy wrappers and stinky gym clothes in our locker. I can't even stand to open the door; it smells really bad. I want him to stop being such a pig and clean up his mess so I can use the locker, too.

2. I lent Rashid my Social Studies notes after he was absent. Then I found out he told everybody I'm so stupid I can't even take good notes.

3. Whitney said that she wanted me to come over to her house this weekend. She never called. Then on Monday, Andrea said she went to Whitney's house this weekend.

© 1995 Good Shepherd Mediation Program

Active Listening Starters

Here are some phrases to start off your summarizing:

- So what I hear you saying is....
- Sounds like....
- You're concerned about....
- As I understand it, you mean....

Reflecting Feelings

When they paraphrase, mediators should communicate your understanding of how the disputant feels as well as your understanding of what happened (e.g., so you were confused when you walked in the door and overheard Juanita talking about you to Hazel.).

© 1995 Good Shepherd Mediation Program

EXERCISE #14
LISTENING FOR FEELINGS

When the trainer reads the sentences below, write down how you think someone who would say the sentences might feel.

1. I just can't figure it out. I give up.

2. Wow! Eight days until Christmas vacation.

3. Look at the picture I drew!

4. Will you be calling my parents?

5. What a drag, there's nothing to do.

6. I'll never do that well. She always does better than me and I study.

7. You never get mad at him, always me.

8. I'm getting a new 15-speed bike.

9. I feel like writing in my book. It's mine anyway.

10. Yeah, I guess I was mean to him. I shouldn't have done it.

11. Am I doing this report right? Do you think it will be good enough?

12. I can do this part on my own. I don't need your help.

13. Leave me alone. Nobody cares what happens to me anyway.

14. I'd like to tell him that, but I just can't. He'd probably hit me.

© 1995 Good Shepherd Mediation Program

EXERCISE #15
ACTIVE LISTENING

Practice your active listening and summarizing skills in groups of three. Repeat the exercise three times so everyone has a chance to practice being the Storyteller, the Listener, and the Observer.

STORYTELLER: Tell the story of a dispute in which you were involved or that you know about. If you cannot think of a conflict, tell the story of your morning up until this moment.

ACTIVE LISTENER: Summarize what you heard. Without making judgments, reflect the facts and feelings expressed by the storyteller.

OBSERVER: Notice the Active Listener's verbal responses and body language. Use this checklist as a guide for making comments in the space provided:

Active Listener's Verbal Responses

- ☐ Paraphrased other's feelings and ideas in your own words.
- ☐ Did not indicate approval or disapproval.
- ☐ Used neutral and understandable language.
- ☐ Did not make judgments or give advice.
- ☐ Did not take sides.

Active Listener's Body Language

- ☐ Eye contact
- ☐ Facial Expression
- ☐ Acknowledgements
- ☐ Gestures
- ☐ Posture
- ☐ Touching

COMMENTS:

© 1995 Good Shepherd Mediation Program

GATHERING INFORMATION

After the disputants finish telling their stories, the mediators may need more information. Here are some questions you might ask:

- What do you mean by that?
- How long have you two known each other?
- Can you tell me more about that?
- How long has this been going on?
- How do you feel about that?
- How do you think [the other person] feels about that?

There are two kinds of questions to ask:

- **Closed-ended Questions:** Those which can be answered with a simple "yes" or "no," or with one or two words. For example, "Do you want to resolve this conflict?" When do you think it would be a good time to ask closed-ended questions?
- **Open-ended Questions:** Those requiring more than a one or two word answer. For example, "How would you like this conflict to be resolved?" When do you think it would be a good time to ask open-ended questions?

Use Mediator Language

Mediators should ask questions using neutral language because the disputants should not think that the mediator is judging who is right and who is wrong.

- Don't ask questions that might make matters worse just because you're curious to find out what really happened. For example, what might happen if you asked Markie "Did you really steal Bob's lunch money?" Can you think of a better question to ask?
- Don't ask questions that place blame or assign guilt. For example, what would Josè think if you asked him "Why were you mean to Karen?" Can you think of a better question to ask Josè?
- Don't ask judgmental questions. For example, what would Lisa think if you asked her, "Don't you think you should apologize to Mary?" Can you think of a different question you might ask?

List the Issues

After the information is gathered, the mediators should:

1. List the issues.
2. Ask the disputants if they think the list is okay.
3. Help the disputants decide which issue to discuss first.

It can be helpful to start with an issue that appears to be small and easy to resolve. After the disputants resolve the little issues, they will see progress and might be more willing to cooperate on resolving the bigger, more difficult issues.

If there are many issues, the mediators may have to help the disputants list the issues in order of importance. Then they will address each one in that order. If the disputants can't resolve all of the issues in one session, a second session might be needed.

© 1995 Good Shepherd Mediation Program

EXERCISE #16
LOIS (OR LOUIS) AND ANGELA (OR ANDY) ROLEPLAY

Roleplay the following situation with two disputants and two mediators. Practice Setting the Stage, giving Opening Statements, Uninterrupted Time, Gathering Information and Defining the Issues to be mediated. Stop there.

Background

L. asks for mediation because A. threw L.'s new notebook in the mud.

A. agreed to mediate. L. is very upset. At first, A. refuses to talk.

Angela/Andy's Story:

"My mother was very mad at me this morning. I had no time to find any socks that matched and I left my homework at home. It was raining when I left for school. I had to run to get to my classroom on time and I bumped into someone and lost my best pencil."

Lois/Louis's story:

"I noticed that A. was acting very weird today. A. was not being friendly. I know that A. hates English class and usually acts up. A. failed another English test and was so mad s/he threw my book out the window. It landed in the mud and was ruined. I was pretty upset because my mom and I had spent time picking the notebook out for me. She'll be mad that it got ruined."

Answer these questions:

1. How does Angela/Andy feel?

2. How does Lois/Louise feel?

3. List the issues they have decided to work on at this mediation session.

© 1995 Good Shepherd Mediation Program

CHAPTER FIVE
OPTIONS AND COLLABORATION

BRAINSTORMING

After gathering information (opening statement, listening and telling stories and deciding on issues to be resolved), it is time to begin looking for ways to resolve the conflict. Brainstorming is the next step in the process.

BRAINSTORMING is a way to come up with creative ideas to solve the conflict. Brainstorming can be fun. It encourages the parties to work together in a non-threatening, non-judgmental (safe) environment.

Rules For Brainstorming

- Say anything that comes to mind.
- Think of as many ideas as you can.
- List all ideas (even the ones that seem strange).
- No criticizing during brainstorming.

To begin the brainstorming, the mediator could ask the disputants, "What ideas can you think of that might resolve this situation?" If the parties get stuck, the mediator could ask, "What else can you think of?" or "How could you do things differently in the future?" The mediator can make indirect suggestions only if the parties are unable to think of any solutions on their own. For example, the mediator may ask, "Have you thought about..?" or "How would you feel if..?"

© 1995 Good Shepherd Mediation Program

EXERCISE #17
PRACTICE BRAINSTORMING

Two friends have planned to get together on Saturday afternoon. One parent will drive them to the mall where there is a multi-plex movie theater. Each friend has saved enough allowance to go to one movie. Each friend wants to see a different movie. Each friend has already seen the movie that the other wants to see. What might these two friends do? Brainstorm as many possibilities as you can.

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

© 1995 Good Shepherd Mediation Program

EVALUATING OPTIONS

EVALUATING OPTIONS means examining your ideas to see which ones will work. During this stage of the mediation process, the mediator helps the disputants work together to evaluate the options they listed in the brainstorming stage. The goal is for the disputants to create a resolution that is realistic and acceptable to both disputants.

Reality Testing

REALITY TESTING is a technique mediators use to help the disputants examine possible solutions to see how they will work out. The mediator guides the reality testing by asking the disputants to consider which options are:

- Realistic
- Desirable for both disputants
- Balanced

Some questions you may want to ask to Reality Test are:

- How will this solution work in terms of time (or money or people or space)?
- Do you need to get anyone's permission to do this?
- What will happen if...?

Walk in the other person's shoes

The mediators can help the disputants to understand the other's point of view by asking each person to "walk in the shoes of the other person." Questions a mediator might ask to help the disputants see things from the other disputant's perspective include:

- How would you feel if you were in her place?
- Describe this conflict they way you think the other disputant sees it.
- Have the disputants reverse roles. Have Disputant #1 pretend to be Disputant #2 and have Disputant #2 pretend to be Disputant #1.

COLLABORATION

What is Collaboration?

COLLABORATION means working together. The disputants work together to find a resolution that is realistic and acceptable to both of them.

Collaboration Tips

Guide the discussion toward the future, not the past. Here are some tips to keep the disputants thinking about how they will handle things in the future:

- What will you do after the mediation is over?
- If the disputants are stuck and they keep rehashing old problems over and over, remind them, "What you tried in the past didn't work, so how will you do things differently in the future?"
- If the disputants are resistant to creative ideas, encourage them to keep an open mind.
- Praise the disputants for their hard work. Let them know they are close to reaching a WIN\WIN solution.

Make sure to write down the decisions the disputants reach because these solutions will be written into the agreement.

© 1995 Good Shepherd Mediation Program

What happens if the disputants cannot agree?

Often in mediation (85-90% of the time), people agree to do certain things. Sometimes they "agree to disagree." The fact that they have worked together peacefully is important. Whether or not there is a specific agreement, the mediator can thank the disputants for choosing mediation and congratulate them for working to better understand the situation and of each other.

© 1995 Good Shepherd Mediation Program

EXERCISE #18
COLLABORATION

Working in small groups, look at the options listed in Exercise #17: Practice Brainstorming. Work together (COLLABORATE) to decide which options are best. Choose a group reporter who will report your choices to the larger group.

OPTIONS SELECTED	WHY WE SELECTED THEM
1.	
2.	
3.	

© 1995 Good Shepherd Mediation Program

CHAPTER SIX
PUT THE AGREEMENT IN WRITING

BEST COPY AVAILABLE

WRITING THE AGREEMENT

What is an Agreement?

An **AGREEMENT** is a written record of the decisions reached by the disputants and the promises they make to one another about how they will participate in resolving the conflict. The agreement forms a social contract between the two disputants that they agree to honor by signing the document.

A good agreement should be:

1. **SPECIFIC:** The Agreement should include who, what, where, when and how the terms of the agreement will work.
2. **REALISTIC:** The agreement should include only those promises the disputants are sure they can keep.
3. **BALANCED:** Both disputants should contribute.

AGREEMENT WRITING TIPS

The mediator writes down the decisions reached by the disputants and the promises they make during mediation. Here are some tips to help you write a good agreement:

- Try to use the disputants' wording.
- Write neatly and number each paragraph.
- Be Specific.
- Write out who will do what, when, where, how and what if.

Example: Elisa will meet Heather at the main entrance of the library on Mondays and Fridays after school so they can walk to the gym together.

- Write in terms of "who promises to do what" or "who agrees to do what."
- Try to balance the agreement so each disputant promises something.

Example: Darla promises she will pay for the lost library book she borrowed from Ben. She will pay him $1.00 every Monday when she comes to class until the book is paid for.

Ben promises to pay the library $1.00 every Tuesday morning when the library opens until the book is paid for.

- Don't include agreements for people who are not present at the mediation. The agreement includes only the parties who are present in the mediation. Parties can only make promises for themselves, not for people who are not at the mediation.
- Don't use blaming words.
- Include consequences for breaking the agreement.

Example: If Darla doesn't pay Ben each Monday, she promises to let him use her calculator until she pays.

Once the mediator writes the Agreement:

- Read each point aloud
- Ask the disputants if there are any changes or additions
- The mediators sign the Agreement
- The disputants sign the Agreement
- Give each disputant a copy

© 1995 Good Shepherd Mediation Program

MEDIATOR'S CLOSING STATEMENT

The Opening Statement sets the tone for the mediation session. The Closing Statement sets the tone for peacemaking after the mediation session is over. The Mediator's Closing Statement should mention three things:

- **CONFIDENTIALITY** – Remind the disputants that the mediators will keep the mediation information private and will not talk about it with anyone except the mediation supervisor. Be sure the disputants know that they can tell their friends that the conflict has been resolved (to prevent rumors from spreading).
- **FOLLOW-UP** – Let the disputants know that someone will be checking in with them in a week or so to make sure everything works out.
- **ENCOURAGEMENT** – Congratulate the students for their hard work in reaching an agreement and encourage them to continue their peacemaking.

© 1995 Good Shepherd Mediation Program

EXERCISE #19
AGREEMENT WRITING

In pairs, read and critique the following Agreement on the next page. Answer the questions listed below.

Discussion Questions:

1. What's wrong with this Agreement?

2. Is this Agreement balanced?

3.. Is this Agreement specific? If not, what is missing?

4. Can you find anything else wrong with this Agreement?

4. How could this agreement be improved?

© 1995 Good Shepherd Mediation Program

SCHOOL MEDIATION INTAKE/AGREEMENT FORM

Disputant #1: Pat Pepper

Disputant #2: Leslie Lincoln

Mediation Date: 6/10 Mediation Time: Lunch Location: Playground

ISSUES

1. Who gets to kick first
2.
3.

OPTIONS WE BRAINSTORMED

1. Pat kicks first
2. Leslie kicks first
3. Kim will ask Mrs. Bay
4. Pat will ask Mrs. Bay
5. Leslie will ask Mrs. Bay
6. They will all let the Team Captain decide

AGREEMENT

1. Pat promises to stop pushing
2. Kim will ask the Team Captain to let her go before Mary
3. They will all stop calling names and stay away from each other

SIGNATURES

Disputant #1: Pat Pepper Disputant #2: [signature]

Mediator #1: Mollie Jones Mediator #2: Kim Turner

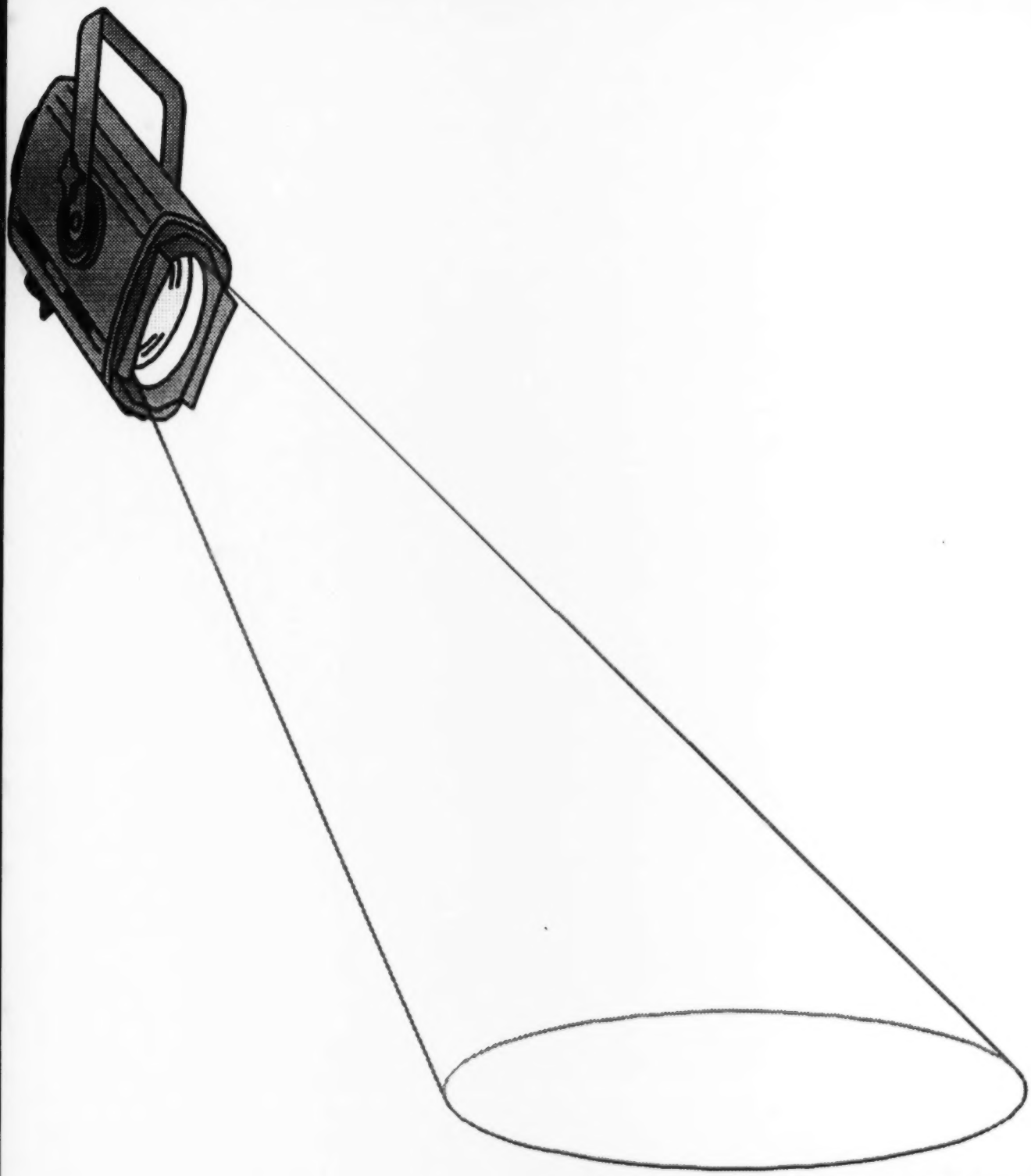
THANK YOU FOR CHOOSING MEDIATION!

© 1995 Good Shepherd Mediation Program

EXERCISE #20
LOIS (OR LOUIS) AND ANGELA (OR ANDY) ROLEPLAY

Return to the roleplay we began on page 31. Pick up the mediation session at the Brainstorming options step and finish the mediation.

© 1995 Good Shepherd Mediation Program



CHAPTER SEVEN
ROLEPLAYS

ROLEPLAY #1
THE BROKEN CHAIN

The Situation:

Kev and Tina are friends. They always sit at the same lunch table. Yesterday Tina bought a gold chain for her mother. She came to lunch frantic because the necklace was missing from her schoolbag. After a while Kev admitted he took it as a joke. He tossed it on the table and when Tina grabbed it, a piece of the latch fell off. Tina got really mad, and demanded money on the spot, but Kev said, "It was an accident!" The lunchroom aide broke up the argument and referred Kev and Tina to Mediation.

The Roles

Kev: It was an accident and really not your fault. You don't have enough money to pay for it right now. You want to stay friends. It isn't true that you did it because you are jealous. But you do think Tina has been acting a bit strange lately.

Tina: You saved up for that gift for a month! Your Mom's birthday is in 2 days. Kev should pay you back now. Kev is jealous that you have a best friend and Kev doesn't. You want to stay friends.

© 1995 Good Shepherd Mediation Program

ROLEPLAY #2
THE GEEK

The Situation

Jacky has been calling Jo names: Geek, punk, dork, dweeb, etc.

Jacky has lot of friends, but Jo doesn't seem to have many. This morning, Jo punched Jacky's arm and knocked Jacky's books all over the hallway.

One of Jacky's friends who was helping to pick up the books and papers suggested they tell the NTA that they would talk it out in mediation so that they wouldn't get into more trouble.

The Roles

Jo/Joe: You are mostly good in school and you think that's why kids are being mean to you. But you are tired of it.

Your sister tells you to just ignore the name-calling, and you try, but it is getting embarrassing.

You didn't mean to hit Jacky so hard but you aren't sorry you did.

Jacky: You don't understand what's the big deal. Everybody gets called names once in a while.

Your friends often make fun of Jo, but you don't want to admit it.

You are embarrassed to be at this mediation.

It's not just that Jo is smart that bugs you, but, that Jo acts like everyone else is stupid and Jo seems like a snob.

© 1995 Good Shepherd Mediation Program

ROLEPLAY #3
THE LOCKER

The Situation

Martin and T.J. have shared a locker since last year. Yesterday, Martin accused T.J. of treating the locker like a trash can and of playing with his stuff. A big argument started. The case was referred to mediation by the gym teacher who was walking down the hall and saw the two arguing.

The Roles

Martin: You and T.J. play the same sports, and sharing a locker was O.K. at first. Recently, the locker has gotten dirty and smelly. T.J. is a slob. You talked to T.J. about it once, but nothing has changed. Yesterday, some of your stuff was out of place and you yelled at T.J. There was an argument in homeroom and the teacher got upset with both of you.

T.J.: Martin is a perfectionist so there are some problems with locker sharing. You admit you can be a little messy, but Martin forgets that lockers can always get a little gross. Your real problem is space; Martin uses more than his share. Yesterday you had to move around some of Martin's stuff just to get your stuff in the locker or you'd be late for class. In the hallway, Martin started yelling and you yelled back. The gym teacher interrupted the argument.

© 1995 Good Shepherd Mediation Program

ROLEPLAY #4
HE SAY, SHE SAY

The Situation:

Kyle Jones and Tanesha Johnson are in the same homeroom. They go to different classes during the day and take the same bus home. They are not friends, but know each other because their last names are close together in the alphabet. Kyle and Tanesha were each playing different games in the schoolyard during lunch recess.

Tyrie is a friend to both Kyle and Tanesha. During lunch he thought he overheard Kyle talking about Tanesha and how she falls asleep during class. Tyrie told Janice who told Tanesha that Kyle is talking about her. Tanesha went over to the group that Kyle was playing with and started talking loudly to Kyle. Several other people stopped playing their games because they thought a fight might happen.

You know both Kyle and Tanesha and saw the rumors being spread around the schoolyard. You think that peer mediation would help the situation.

The Roles

Kyle: You are playing wall ball with your friends in the schoolyard. The next thing you know is that some girl from your homeroom is coming toward you talking loud. You decide to ignore her.

Tanesha: The boys in your homeroom have been getting on your nerves ever since you got your hair cut. You heard from Janice that Kyle is making fun of you. You decide to let him know you don't appreciate being talked about.

© 1995 Good Shepherd Mediation Program

CHAPTER EIGHT
DISCUSSION QUESTIONS

ISSUES APPROPRIATE FOR MEDIATION

Which situations are appropriate for mediation?

1.

2.

3.

4.

5.

6.

7.

8.

Which situations are NOT appropriate for mediation?

1.

2.

3.

4.

5.

6.

7.

8.

57

© 1995 Good Shepherd Mediation Program

SCHEDULING MEDIATIONS

1. How will a mediation be scheduled if it cannot take place on the spot?

2. How will second sessions be scheduled?

3. Who will schedule follow up?

© 1995 Good Shepherd Mediation Program

PEER MEDIATORS ARE ROLE MODELS

1. What will happen if a peer mediator is involved in a fight?

2. What are your options when you or someone you know gets involved in a conflict?

3. What will happen if a peer mediator breaks confidentiality?

© 1995 Good Shepherd Mediation Program